

March 1 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Supreme Court Cause No. 10-0027

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FILED

MAR 01 2010

Ed Smith
 CLERK OF THE SUPREME COURT
 STATE OF MONTANA

IN RE THE GRANDPARENT-GRANDCHILD
 CONTACT OF

W.B.S. and D.C.S.,

Minor Children,

TANYA N. SPAULIDING,

Appellant,

-and-

SHARON K. SNYDER ,

Appellee.

**APPELLEE'S RESPONSE
 TO MOTION FOR STAY
 OR PROCEEDINGS**

COMES NOW the appellee, SHARON K. SNYDER, through counsel, and respectfully responds to the appellant's Motion for Stay of District Court Order and Execution of Order Pending Appeal. The motion is not well taken and should be denied.

This case is a "grandparent contact case". The appellant, TANYA N. SPAUDLING, asserts to this Court that a stay is appropriate because she alleges "contact between grandmother and grandchildren is deemed harmful by her". There is no proof of harm other than this bald assertion. In proceedings before the District Court on December 21, 2009, this issue of alleged "harm" was specifically tested before District Court Judge Gregory R. Todd. The Court heard testimony concerning this issue and received the argument of respondent and rejected the notion that any harm would result from continuing grandparent contact. This Court is directed to pgs. 117-121 of the Transcript of Record. All of the assertions alleging "harm" presented to this Court by appellant were tried in the December 21, 2009 proceedings, and all of them were addressed by Judge Todd in his

post-trial oral Findings. Simply put, as Judge Todd stated: "I've got no information of any psychological harm." See, Tr., p.118, l.17-18. At the conclusion of trial, the District Court noted that the parties to this proceeding, the paternal grandmother and mother of the children, agreed in writing upon grandparent/grandchild contact. This writing specifically states that this contact serves the best interests of the children; and for a 15-month term, the schedule for contact and was ordered and was followed.

The appellant admitted that the boys enjoyed their contact with their grandmother; and, if interviewed by the District Court, would say that they wanted the contact to continue. The appellant objected to the District Court interviewing the boys in chambers. The appellant testified she had taken the children to Billings therapist, Ken Jackson, who was working with the boys, but she did not call Mr. Jackson to testify about any alleged harm, asserted in her motion and materials provided to the District Court.

This motion should be denied by this Court. It has been denied twice in District Court, in proceedings held on December 21, 2009, and on February 16, 2010.

DATED this 23 day of February, 2010.

KEVIN T. SWEENEY
1250 15th St. West, Ste. 202
Billings, Montana 59102



ATTORNEY FOR APPELLEE

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have filed the foregoing Appellant's Response to Motion for Stay of Proceedings with the Clerk of the Montana Supreme Court; that I have served a true and correct copy upon each attorney of record and each party not represented by an attorney in the above-referenced Supreme Court action, by causing the same to be deposited in the U.S. Mail, postage prepaid, this 23 day of February, 2010, addressed as follows:

Benjamin J. LaBeau
LABEAU LAW FIRM, LLC
Billings, Montana 59102

By: 